IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Con.Case(C).No. 217 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.16104/2005 Dated 14/11/2006

.....

PETITIONER

C.V.MURALI, AGED 51 YEARS,
S/O.VASU, CHARAMBATU HOUSE,
NEENDOOR P.O., KOTTAYAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:

P.SIVAJA DAS, AGED NOT KNOWN,
S/O.NOT KNOWN, SECRETARY, KERALA PUBLIC
SERVICE COMMISSION.

BY STANDING COUNSEL SRI.P.C.SASIDHARAN FOR PSC.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

Contempt Case (c) No.217 of 2007

Dated this the 20th February, 2007.

J U D G M E N T

I heard the learned counsel, Sri.K.Reghu Kottappuram, appearing for the petitioner, as well as the learned Standing Counsel, Sri.P.C.Sasidharan, appearing for the respondent. I have gone through the judgment in W.P.(C) No.16104/2005, together with the submissions made by either side, raising their respective contentions on the point.

2. The learned counsel appearing for the petitioner was emphatic in his submissions that the petitioner, whose name is included in the supplementary list as Rank No.1 of List-II, is entitled for appointment, as the candidate in the main list has relinquished his claim.

3. The learned Standing Counsel for PSC, on the other hand, submits that the consideration of the supplementary list arise only when he is entitled for the community rotation, and the reservation of the person from the supplementary list arise. In this case, two vacancies had been advised by the 3rd respondent, Public

Service Commission. As on now, there is no joining duty vacancy reported. If at all there is a grievance, that is not at this stage, when there are no facts before me to show that PSC did not take the necessary steps to advice the petitioner, against or in respect of the vacancies that is existing, or to consider in the place of the candidate from Part-I list of List-II, on he either relinquishing or not joining the duty. The learned Standing Counsel also clarified that a person from the Primary Co-operative Societies list with 50% reservation, cannot be considered with the candidates on open merit competency.

4. In the above facts situation, I am of the opinion, there is no legal point raised for consideration of this Court through this contempt petition, nor any contempt as alleged is committed by the Public Service Commission. Therefore, there is no cause of action arise at this stage. Accordingly, this Contempt of Court case is closed.

J.M. JAMES,
JUDGE

nj.